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PTO/SB/05 (2/98)

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53 (b))

Attorney Docket No.	38-21(1577)B
First Named Inventor or Application Identifier	Miller, Philip W.
Title	NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS
Express Mail Label No.	EL032544216US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:
Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> *Fee Transmittal Form (Form PTO-1082)
<i>(Submit an original and a duplicate for fee processing)</i> | 6. <input type="checkbox"/> Microfiche Computer Program (Appendix) |
| 2. <input checked="" type="checkbox"/> Specification [Total Pages 99] | 7. Nucleotide and/or Amino Acid Sequence Submission
<i>(if applicable, all necessary)</i> |
| a. <input checked="" type="checkbox"/> Computer Readable Copy | |
| b. <input type="checkbox"/> Paper Copy (identical to computer copy) | |
| c. <input type="checkbox"/> Statement verifying identity of above copies | |
| 3. <input type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets] | 8. <input type="checkbox"/> Assignment Papers (cover sheet document(s)) |
| 4. <input type="checkbox"/> Oath or Declaration [Total Pages 3] | 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney
<i>(when there is an assignee)</i> |
| a. <input checked="" type="checkbox"/> Newly executed (original or copy) | |
| b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))
<i>(for continuation/divisional with Box 17 completed)</i>

<i>[Note Box 5 below]</i> | |
| i. <input type="checkbox"/> DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). | |
| 5. <input type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i>

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | 10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> |
| | 11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations |
| | 12. <input type="checkbox"/> Preliminary Amendment |
| | 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (One)
<i>(should be specifically itemized)</i> |
| | 14. <input type="checkbox"/> *Small Entity Statement <input type="checkbox"/> Statement filed in prior application, status still proper and desired |
| | 15. <input type="checkbox"/> Certified Copy of Priority Document (s)
<i>(if foreign priority is claimed)</i> |
| | 16. <input type="checkbox"/> Other: |

*NOTE FOR ITEMS 1 and 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. §1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. §1.28).

If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:17. Continuation Divisional Continuation-in-part (CIP) of prior application No:

Prior Application Information: Examiner: Group/Art Unit:

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label Correspondence address below
(Insert Customer No. or attach Bar Code Label here)

NAME	Lawrence M. Lavin, Jr.			
ADDRESS	Patent Department, E2NA; Monsanto Company, 800 N. Lindbergh Boulevard			
CITY	St. Louis	STATE	Missouri	ZIP CODE
COUNTRY	US	TELEPHONE	(314) 694-3602	FAX
Name (Print/Type)	Lawrence M. Lavin, Jr.		Registration No.	30768
Signature	Lawrence M. Lavin, Jr.		Date:	Oct. 19, 2000

Burden Hour Statement. This form is estimated to take 2 hours to completed. Time will vary depending pon the needs of the individual cases. Any comments on the amount of time you required to completed this form should be sent tp the Office of Assistance Quality and Enhancement Division, Patent and Trademark Office, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (Project 0651-0037), Washington, DC 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

by Jianheng Zhou Sian S. Zhou Reg. No. 41422

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FEE TRANSMITTAL

for FY 1999

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 820.00)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Philip W. Miller
Examiner Name	To Be assigned
Group / Art Unit	
Attorney Docket No.	38-21(15771)B

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 13-4125

Deposit Account Name

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.172. Payment Enclosed: Check Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	0.00
127	50	Surcharge - late provisional filing fee or cover sheet.	0.00
139	130	Non-English specification	0.00
147	2,520	For filing a request for reexamination	0.00
112	920*	Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	Requesting publication of SIR after Examiner action	0.00
115	110	Extension for reply within first month	0.00
116	380	Extension for reply within second month	0.00
117	870	Extension for reply within third month	0.00
118	1,360	Extension for reply within fourth month	0.00
128	1,850	Extension for reply within fifth month	0.00
119	300	Notice of Appeal	0.00
120	300	Filing a brief in support of an appeal	0.00
121	260	Request for oral hearing	0.00
138	1,510	Petition to institute a public use proceeding	0.00
140	110	Petition to revive - unavoidable	0.00
141	1,210	Petition to revive - unintentional	0.00
142	1,210	Utility issue fee (or reissue)	0.00
143	430	Design issue fee	0.00
144	580	Plant issue fee	0.00
122	130	Petitions to the Commissioner	130.00
123	50	Petitions related to provisional applications	0.00
126	240	Submission of Information Disclosure Stmt	0.00
581	40	Recording each patent assignment per property (times number of properties)	0.00
146	760	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	760	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify)			0.00
Other fee (specify)			0.00
Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 130.00)	

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	760	Utility filing fee	690.00
106	310	Design filing fee	
107	480	Plant filing fee	
108	760	Reissue filing fee	
114	150	Provisional filing fee	
SUBTOTAL (1) (\$ 690.00)			

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** = 0	x 18	= 0
Independent Claims 3	- 3** = 0	x 78	= 0
Multiple Dependent			= 0

**or number previously paid, if greater; For Reissues, see below

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	Claims in excess of 20
102	78	Independent claims in excess of 3
104	260	Multiple dependent claim, if not paid
109	78	** Reissue independent claims over original patent
110	18	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0.00)		

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Lawrence M. Lavin, Jr.	Registration No. (Attorney/Agent)	30,768	Telephone	314-694-3602
Signature	Lawrence M. Lavin, Jr.		Date	Oct. 19, 2000	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

by Jian Sheng Zhou

Jian S. Zhou

Reg. No. 41422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Philip W. Miller *et al.*

Appln. No.: To Be Assigned

Filed:

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

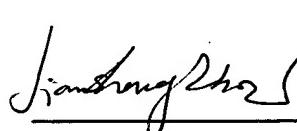
Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 38-21(15771)B

I hereby verify this transmittal together with the patent application referred to below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. EL032544216US on the date indicated and is addressed to:
Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou Registration No. 41, 422

 Date: Oct. 19, 2000

TRANSMITTAL OF NON-PROVISIONAL PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent application of :

Nucleic Acid Molecules and Other Molecules Associated with Plants

Inventors: Philip W. Miller

Ming Peng

The following documents are forwarded herewith for appropriate action by the U.S.

Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO-1082 (in duplicate);
3. U.S. Utility Patent Application entitled:

Nucleic Acid Molecules and Other Molecules Associated with Plants

and naming as inventors:

Philip W. MILLER and Ming PENG

the application consisting of:

- a. A specification containing:
 - (i) 97 pages of a description prior to the claims;
 - (ii) 1 pages of claims (7 claims); and
 - (iii) a one (1) page abstract;
4. A CD-ROM containing the Sequence Listing;
5. Petition to Suspend Sequence Rules (in duplicate);
6. Combined Declaration and Power of Attorney, executed by inventors Philip W. Miller and Ming Peng (3 pages);
7. An Information Disclosure Statement;
8. Form PTO-1449 (1 page), with 8 accompanying documents; and
9. One (1) return postcard.

It is respectfully requested that the two attached prepaid postcards be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



Lawrence M. Lavin, Jr., Esq (Reg. No. 30,768)

Jian S. Zhou (Reg. No. 41,422)

Enclosures

Date: Oct. 19, 2000

Patent Department, E2NA
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, MO 63167
Tel: 636-694-3602
Fax: 636-694-1671

JG932 U.S. PTO
09/692257
10/19/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Philip W. Miller *et al.*

Appln. No.: To Be Assigned

Filed:

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: To Be Assigned

Examiner: To Be Assigned

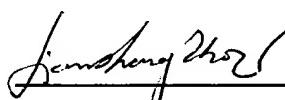
Atty. Docket: 38-21(15771)B

I hereby verify this petition together with the above-identified patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10

Express Mail Label No. EL032544216US on the date indicated and is addressed to:

Commissioner for Patents, Washington, D.C. 20231

Jian S. Zhou Registration No. 41,422

 Date: Oct. 19, 2002

Petition to Suspend Sequence Rules

Commissioner for Patents
Washington, DC 20231

Sir:

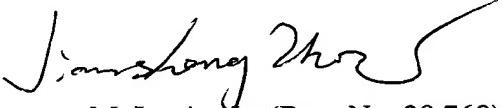
Applicants hereby petition the Commissioner, pursuant to 37 C.F.R. § 1.183 and M.P.E.P. § 1002.02(c)(2), for a suspension of the requirements of 37 C.F.R. § 1.821 in the above-identified application. In particular, Applicants request suspension of the non-statutory requirement for a paper copy of the Sequence Listing under 37 C.F.R. § 1.821(c), and further request that the computer-readable form of the Sequence Listing filed in this application be considered as the official Sequence Listing.

The Sequence Listing in this application is extremely large, and in paper form would be over 6000 pages in length. The preparation and filing of a paper Sequence Listing of this size would be logically difficult and costly for Applicant, and the examination thereof by the U.S. Patent and Trademark Office is presumed to be inconvenient. Granting this Petition to suspend

the requirement for a paper copy in this application would not create any undue burden on the U.S. Patent and Trademark Office.

The U.S. Patent and Trademark Office is hereby authorized to charge \$130.00 in payment of the required fee (37 C.F.R. § 1.17(h)) to our Deposit Account No. 13-4125. The U.S. Patent and Trademark Office is also hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125. A duplicate copy of this petition is enclosed.

Respectfully submitted,



Lawrence M. Lavin, Jr. (Reg. No. 30,768)
Jian S. Zhou (Reg. No. 41,422)

Date: Oct. 19, 2000

Patent Department, E2NA
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, MO 63167
Tel: (314) 694-3602
Fax: (314) 694-1671